



**Missouri Department of
Natural Resources
Administrative Policies and Procedures**

Chapter 4 Employment

Layoff of Employees Policy

Effective date

Revised

Number: 4.05

January 27, 2003

June 7, 2010

In times of fiscal hardship or loss of a funding source, it may become necessary to reduce the workforce in the department. This is a difficult decision. All efforts will be made to keep staff informed and to minimize the impact while making the needed staffing adjustments.

An appointing authority may lay off an employee in a position whenever the appointing authority deems it necessary by reason of shortage of work or funds, the abolition of the position, or other material change in the duties or organization, or for other related reason which are outside the employee's control and which do not reflect discredit on the service of the employee.

REFERENCES

Personnel, administration of merit system--departments affected --exemptions--employee suggestions, awards authorized: 36.030 RSMO

Definitions: 1 CSR 20-1.020

Layoffs in the broad classification bands: 1 CSR 20-2.015(6)(A)

Reinstatement Register: 1 CSR 20-3.020 (2)

Separation, Suspension and Demotion: 1 CSR 20-3.070

DEFINITIONS


Appointing authority: A person with the authority to approve hiring staff and to approve or deny other personnel related transactions.

Appointments:

Emergency: A short-term appointment to prevent stoppage of work, loss, or serious inconvenience to the public and to the department. Emergency appointments automatically expire in 90 calendar days.

Limited temporary: A new employee is appointed to a position for less than ninety (90) calendar days. The appointment must be made to an existing Merit System classification.

Provisional: A new employee is appointed to a position of limited duration not to exceed the probationary period established for the position.

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 4 Employment		
Layoff of Employees Policy	Effective date	Revised
Number: 4.05	January 27, 2003	June 7, 2010

Temporary: A new employee is appointed to a position of limited duration not to exceed six (6) months in any twelve (12) month period.

Class: Group of positions subject to the law sufficiently alike in duties, authority and responsibility to justify the same class title and qualification and the same schedule of pay for all positions in the group.

Occupational job series: Class groupings that have been established based on commonalities regarding the type of work being performed and associated similarities regarding the duties, knowledge, skills, abilities and requisite qualifications.

Example: General Office Assistant, Office Support Assistant (k), Senior Office Support Assistant (k) and Administrative Office Support Assistant are all in the same occupational job series.

Example: Environmental Specialist I, II, III and IV are in the same occupational job series.

Example: Interpretive Resource Technician, Interpretive Resource Specialist I, II and III are in the same occupational job series.

Division of service: One of the functioning agencies within the department, including:

- Office of the Director (including the Soil and Water Conservation Program, Water Resources Center and Communications)
- Division of Administrative Support
- Division of Environmental Quality
- Division of Geology and Land Survey
- Division of State Parks
- Division of Energy


Original probationary period: The time following hiring a new employee when the employee's ability is evaluated to determine if he/she can sufficiently perform the job duties.

Promotional probationary period: The time following promotion of an employee when the employee's ability is evaluated to determine if he/she can sufficiently perform the job duties.

Position: An individual job within the department

Regular employee: An employee who has successfully completed probation.

Service credit: Time worked that goes towards retirement as computed by Missouri State Employees Retirement System (MOSERS). Service credit is based upon an employees years of

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 4 Employment		
Layoff of Employees Policy	Effective date	Revised
Number: 4.05	January 27, 2003	June 7, 2010

service with the State of Missouri. It is not specific to division or agency but includes all years of service with multiple state agencies. This does not include any purchased time (such as purchased military service credit).

Reinstatement register: A list of persons who have been regular employees and who have been laid off in good standing due to lack of work or funds, or other similar cause, or who have been demoted in lieu of layoff.

Geographic location: Separate geographic locations are defined as work sites physically separated and having substantially different areas from which the workforce is drawn. The most common usage is county.

GENERAL PROVISIONS

The department identifies the division of service(s) affected; whether a layoff is statewide or an area layoff; the job class affected; the number of positions to be eliminated. All layoffs are coordinated through the Human Resources Program.

Order of layoff

The order of layoff is as follows:

1. Employees in emergency, provisional, temporary and limited temporary appointments are laid off first in the affected classification in the division.
2. Employees serving original probationary periods in the affected classifications are laid off in reverse order of the date of the original appointment.
3. Employees serving promotional probationary periods in the affected classification must be reinstated to the class from which they were promoted, even if that causes a layoff process in the lower class.
4. Finally, regular, reemployment probationary, and reinstatement probationary employees are laid off from least tenured service credit to longest tenured service credit.

Transfer or Demotion in lieu of layoff

Following or in connection with a layoff, an appointing authority may find it necessary to reassign employees in the affected class(es) in order to maintain essential business. Where reassignment involves the elimination of a position at one (1) location and a transfer to another physical location of work, the employees will be selected for transfer from a given location in the same order as provided for layoff. If an employee in a position which is abolished refuses to accept the transfer, the employee will be laid off in lieu of transfer.



**Missouri Department of
Natural Resources
Administrative Policies and Procedures**

Chapter 4 Employment

Layoff of Employees Policy

Effective date

Revised

Number: 4.05

January 27, 2003

June 7, 2010

If it is impossible to staff a necessary position by transfer, the retention of an employee otherwise subject to layoff is authorized. Regular employees whose positions are to be eliminated will first be given the opportunity, in order of service credit score, to transfer within the layoff area (county) where employed if other vacancies exist or if other employees in the area have lower layoff scores. Regular employees who are subject to layoff also must be given the opportunity to transfer to positions in the same class in other areas (counties) occupied by probationary, provisional or temporary employees.

This enables the employee to express preference of locations which will make transfer according to service credit a meaningful procedure. Note, however, that employees need not be offered transfer to all positions held by employees with lower service credit but only to those held by such employees who are "subject to layoff". This limitation allows agencies to retain sufficient continuity to maintain operations. Transfers in lieu of layoff will be granted strictly in order of service credit score. An employee will be transferred to the position highest in his/her preference order which has not been filled by transfer of an employee with higher service credit score. If transfers to available positions are declined by an employee whose position is to be abolished or filled by a higher ranking employee, such employee must be laid off. If no employee of higher rank accepts transfer to a retained position occupied by an employee who would otherwise be subject to layoff, such employee may be retained in that position.

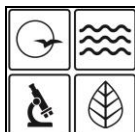
If the layoff affects a regular employee, demotion *must* be offered to that regular employee to a position:

- in a lower class in the same occupational job series in the division
- to any lower class in which the employee previously held regular status.

Either of these actions may result in a layoff in the lower class. Demotions in lieu of layoff are effected in service credit order (lowest to highest).

Please see examples at end of policy on how transfers and demotions in lieu of layoff will work.

A reduction in salary may be required for an employee demoted in lieu of layoff. The employee's rate of pay may remain the same unless a reduction is required to place the employee on a step in the pay range for the new class. Reduction may be made if justified on the basis of a need to provide an equitable salary relationship with other employees in the class to which the employee is being demoted. The promotional formula in reverse is primarily used for demotions in lieu of layoff but the official determination will be made by the division and appointing authority on a case by case basis.



**Missouri Department of
Natural Resources
Administrative Policies and Procedures**

Chapter 4 Employment

Layoff of Employees Policy

Effective date

Revised

Number: 4.05

January 27, 2003

June 7, 2010

“Bumping”

The demotion offer described above is mandatory. This is not “bumping”. “Bumping” occurs when additional demotions to positions in classes for which employees simply meet the minimum qualifications are allowed. For an employee to “bump” it does not mean that employee had to previously hold that job title, but simply meet the minimum qualifications. These demotions, or bumping, may be allowed at the discretion of the department.

Employee considerations during a layoff

Employees affected by a layoff must receive written notice at least fifteen (15) calendar days prior to the effective date of the layoff. The notice will include offers of transfer and/or demotion, if applicable.

Employee acceptance of a demotion in lieu of layoff is considered voluntary. The department may consider a corresponding salary decrease in the situation of a demotion in lieu of layoff.

If an employee turns down an offer(s) of transfer/demotion, he/she will be laid off. All declinations of transfers or demotions must be submitted to the Human Resources Program in writing (email, fax or letter by mail).

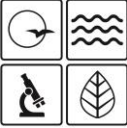
Offers of transfer and/or demotion in lieu of layoff are made for consideration in accordance with the Rules of the Missouri Merit System. Since such actions must be taken in order of service credit score, offers are made subject to the prior claims of higher ranking individuals. For this reason employees must rank all of the positions in the order of their preference. Employees will be granted the highest of their preferences to which their service credit entitles them. If employees decline offer or if the positions which they will accept are filled by higher ranking employees, the employee will be laid off in accordance with the layoff notice they received. If employee is offered their 2nd choice of transfer/demotion options and declines their 2nd choice, employee will not be offered 3rd choice or 4th choice, etc. and will be laid off.

Neither layoffs nor demotions in lieu of layoff can be appealed to the Personnel Advisory Board.

Reinstatement considerations

Employees who are laid off will be added to the appropriate reinstatement registers. An employee will remain on the reinstatement registers for three (3) years. An employee may also request placement on reinstatement registers for appropriate lower classes.

The division that lays off employees must first seek to fill vacancies in those classes through the reinstatement register. Employees will be placed on the reinstatement registers in service credit

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 4 Employment		
Layoff of Employees Policy	Effective date	Revised
Number: 4.05	January 27, 2003	June 7, 2010

order. If an employee transfers to another section/program but remains in the same job title and same status (full-time or part-time), the employee will not be placed on reinstatement registers.

Employees who are laid off while serving an original, promotional, re-employment, or reinstatement probationary period must be allowed to resume the same probationary period if they are hired back in the same class within one (1) year by the same appointing authority.

Military service

Employees on or recently returned from military leave cannot be affected by a layoff process for a specific period of time:

- if more than 6 months has been served, then the employee is protected for one year after return from service;
- if more than 30 days but less than 6 months has been served, the employee is protected for 6 months after return from service;
- if 30 days or less are served, no protection exists.

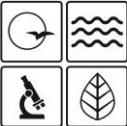
Assistance for employees affected by a layoff

Assistance for employees affected by a layoff is available through the Human Resources Program and the Employee Relations Office.

Assistance can include:

- Meeting with division, program, sections affected by the layoff to explain the procedures and options.
- Helping the employee evaluate his or her experience, strengths, weaknesses, and career goals.
- Providing information on job opportunities within DNR and other state agencies and on the steps to take in applying for such positions.
- Providing information on the Employee Assistance Program and other support opportunities.

For assistance or information concerning this policy, contact the Human Resources Program.

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 4 Employment		
Layoff of Employees Policy	Effective date	Revised
Number: 4.05	January 27, 2003	June 7, 2010

TRANSFER IN LIEU OF LAYOFF

(First Example)

Conditions: Agency is abolishing one position.

Order of Layoff:

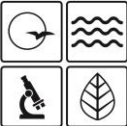
<u>Employee</u>	<u>Employee Status</u>	<u>Work Location</u>	<u>Position Abolished</u>
A	Regular	Cole County	Yes
B	Regular	Cole County	
C	Regular	Greene County	
D	Reinst. Prob.	Jasper County	
E	Regular	Vernon County	
F	Regular	Jackson County	
J	Regular	Buchanan County	
K	Regular	Jackson County	
L	Regular	Pettis County	
M	Regular	Callaway County	
N	Regular	St. Louis County	

Required Transfer Actions:

- (1) Employee A must be reassigned to position occupied by Employee B.
- (2) Employee B must be offered transfer to St. Louis County (employee N position).

Remarks:

- Lowest ranking employee (B) in the location where a position is abolished is the one to be transferred;
- Only the position of the regular employee "subject to layoff" (N) is offered for transfer (even though others are also lower in order of layoff);
- Employee N can be retained if Employee B declines transfer and is therefore laid off.

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 4 Employment		
Layoff of Employees Policy	Effective date	Revised
Number: 4.05	January 27, 2003	June 7, 2010

TRANSFER IN LIEU OF LAYOFF

(Second Example)

Conditions: Agency is abolishing one position.

Order of Layoff:

<u>Employee</u>	<u>Employee Status</u>	<u>Work Location</u>	<u>Position Abolished</u>
A	Regular	Cole County	
B	Regular	Cole County	
C	Regular	Greene County	Yes
D	Regular	Jasper County	
E	Regular	Vernon County	
F	Regular	Jackson County	
J	Regular	Buchanan County	
K	Regular	Jackson County	
L	Reemp. Prob.	Pettis County	
M	Regular	Callaway County	
Vacant	---	St. Louis County	


Required Transfer Action:

Employee C must be offered transfer to St. Louis County.

Remarks:

- Because no regular employee is "subject to layoff" (even though several are lower in order of layoff), only the vacant position is offered;
- If Employee C declines transfer, he/she is laid off.

TRANSFER IN LIEU OF LAYOFF

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 4 Employment		
Layoff of Employees Policy	Effective date	Revised
Number: 4.05	January 27, 2003	June 7, 2010

(Third Example)

Conditions: Agency is abolishing one position.

Order of Layoff:





<u>Employee</u>	<u>Employee Status</u>	<u>Work Location</u>	<u>Position Abolished</u>
A	Regular	Cole County	
B	Regular	Cole County	Yes
C	Regular	Greene County	
D	Regular	Jasper County	
E	Reinst. Prob.	Vernon County	
F	Regular	Jackson County	
J	Regular	Buchanan County	
K	Regular	Jackson County	
L	Prom. Prob.	Pettis County	
M	Orig. Prob.	Callaway County	
N	Emergency	St. Louis County	

Required Transfer Action:

Employee B must be offered choice of transfer to Pettis, Callaway, and St. Louis County.

Remarks:

- Regular employee not "subject to layoff" but whose position is abolished must be offered positions held by non-regular employees (L, M, N), even though some of them are not subject to layoff". These positions are offered because of the current employees status.
- Because no regular employee is "subject to layoff", only the positions of non-regular employees (L, M, N) are offered;
- Employee B will be transferred to his/her first choice of the positions offered and the employee occupying that position will be laid off (or reinstated to former class in the case of the promotional probationary employee);

		Missouri Department of Natural Resources Administrative Policies and Procedures	
			
Chapter 4 Employment			
Layoff of Employees Policy		Effective date	Revised
Number: 4.05		January 27, 2003	June 7, 2010

- It is not required that transfer in lieu' of layoff be offered to non-regular employees.

TRANSFER IN LIEU OF LAYOFF

(Fourth Example)

Conditions:

One (Jackson) of three offices is closing; all three positions in the class at that location must be abolished.

Order of Layoff:

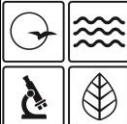
<u>Employee</u>	<u>Employee Status</u>	<u>Work Location</u>	<u>Position Abolished</u>
A	Reemp. Prob.	Cole	
B	Regular	Jackson	Yes
C	Regular	Jackson	Yes
D	Regular	St. Louis	
E	Regular	St. Louis	
F	Regular	Cole	
G	Regular	Cole	
H	Regular	Cole	
I	Regular	Jackson	Yes
J	Orig. Prob.	St. Louis	

Required Transfer Actions:

- (1) Employees B & C must be offered choice of transfer to Cole and St. Louis (employee H & J).
- (2) Employees H & I must be offered transfer to St. Louis (employee J).

Remarks:

- Employees not "subject to layoff", but whose positions have been abolished (B, C) must be offered position occupied by regular employee subject to layoff (H);

<div><div></div><div>Missouri Department of Natural Resources Administrative Policies and Procedures</div></div>		
Chapter 4 Employment		
Layoff of Employees Policy	Effective date	Revised
Number: 4.05	January 27, 2003	June 7, 2010

- Regular employees who are affected (B, C, H, I) must be offered position occupied by non-regular employee (J);

- Employee preferences (for transfer or declination of transfer), applied in service credit order, will determine which two of the affected employees (B, C, H, I, J) will be retained and which three will be laid off.